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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,748	01/21/2004	Scott Papineau	1833A	2882
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EXAMINER				
KENDALL, CHUCK O				
ART UNIT		PAPER NUMBER		
2192				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/761,748

Applicant(s)

PAPINEAU, SCOTT

Examiner

CHUCK O. KENDALL

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/01/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 18, 19 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-17, 20, 21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____
- 7) ☐ Notices of Informal Patent Application
- 8) ☐ Paper No(s)/Mail Date 02/20/08, 04/04/08

DETAILED ACTION

1. This is in response to the application filed 04/04/08.
2. Claims 1 – 11, 18, 19, and 22 have been amended, and claims 12 – 17, 20 – 21 and 23 – 24 have been cancelled.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 2 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant's claim recites a computer readable medium, however in Applicants specification, Applicant discloses that the computer readable medium be distributed remotely. Claims which draws limitations to transmission type mediums involving signals are not considered as statutory subject matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1 – 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Gibbons et al. US 7,275,243 B2.

Regarding claim 1, Gibbons anticipates a method for an application management system on a mobile information device to download non-Java content to the mobile information device, the method comprising:

downloading to the mobile information device a generic content descriptor file for the non-Java content, wherein the generic content descriptor file includes at least one attribute other than a attribute that indicates a location from which the mobile information device can download the non-java content (4:60 – 67);

processing the downloaded generic content descriptor file at the mobile information device so as to determine whether the at least one attribute is present (see catalog matching component 465, which is executed on the Mobile device, 16:40 shows that users 415 downloads and executes this package) in the generic content descriptor file (5:30 – 40, see matched and descriptor file);

if the mobile information device thereby determines that the (16:55 -60, see catalog matching component) at least one attribute in the generic content descriptor file is present, then there after downloading the non-Java content to the mobile information device (17:10 – 20, look under capability matching), and

if the mobile information device thereby determines that the (16:55 -60, see catalog matching component) at least one attribute is missing from the generic content descriptor file, then not downloading the non-java content to the mobile information device (17:10 – 20, see matched and also see incompatible).

Regarding claim 2, a computer readable medium having stored therein instructions for causing a processor to execute the method of claim 1 (Figure 3, 301,301, see 305 which inherently has a processor).

Regarding claim 3, the method of claim 1, further comprising:

downloading the non-Java content to the mobile information device (Figure 14,1405); and

installing the non-Java content on the mobile information device (14:57 - 65).

Regarding claim 4, the method of claim 3, wherein downloading the non-Java content to the mobile information device includes downloading the non-Java content from a content URL included in the generic content descriptor file (18:5 – 25, see table 2, for content provider url).

Regarding claim 5, the method of claim 3, further comprising posting a response message indicating a success of the download to an install-notify-URL included in the generic content descriptor file (9:5 – 10, see status of download).

Regarding claim 6, the method of claim 3, further comprising displaying options to launch the nonJava content, to exit and to continue browsing (Figure 9, 930).

Regarding claim 7, the method of claim 5, further comprising:
receiving a request to continue browsing (Figure 13, 1330); and
browsing to a URL received in response to post of the response message (18:5 – 25, see table 2, for content provider url).

Regarding claim 8, the method of claim 1, wherein the at least one attribute other than an attribute that indicates a locating from with the mobile information device can download the non-Java content includes an attribute selected from the group consisting of: a Content-Type attribute, a Content-Name attribute, a Content-Version attribute, a Content-Vendor attribute, a Content-ID attribute and a Content-Size attribute (8:55 – 67, see TABLE 1).

Regarding claim 9, the method of claim 1, wherein the generic content descriptor file further includes an attribute selected from the group consisting of a, Content-Install-Notify attribute, a Content-Description attribute, a Content- Info-URL attribute, a Content-

Icon-URL attribute, a Content-Folder attribute, a Content-Storefront-URL attribute, and a Content-Domain attribute (8:55 – 67, see TABLE 1 also see TABLE 5, on 23:5 – 25).

Regarding claim 10, the method of claim 1, further comprising:

attempting to download the non-Java content to the mobile information device (14:57 - 65);

detecting a failure in downloading the non-Java content to the mobile information device (9:5 – 10, see status of download).); and

posting a response message indicating a failure of the download to an install-notify-URL included in the generic content descriptor file (9:5 – 10, see status of download).

Regarding claim 11, the method of claim 10, further comprising displaying on the mobile information device options to exit and to continue browsing (Figure 14, 1420, 1422 and 1425).

Regarding claim 18, the method of claim 1, wherein the generic content descriptor file includes a content-version attribute that defines a version of the non-Java content, and wherein processing the generic content descriptor file includes determining whether the mobile information device already includes a version of the non-Java content (Table 1, 8:55 – 67).

Regarding claim 19 the method of claim 1, wherein processing the generic content descriptor file includes determining whether the mobile information device includes enough available non-volatile memory to store the non-Java content (25:35 – 40).

Regarding claim 22, the method of claim 12, further comprising presenting a user of the mobile information device with at least one post-install option (8:27 – 32).

Response to Arguments

6. Applicant's arguments with respect to claims 1 – 11, 18, 19 and 22 have been considered but are moot in view of the new ground(s) of rejection.

Regarding new amendments please refer to Gibson column 16:35 – 57, which discloses the claimed limitations. Please note items 465, application 510 and package 450, are all executed on the mobile device and discloses Applicant's newly added claimed limitations.

Correspondence information

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Art Unit: 2192

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chuck O Kendall/
Primary Examiner, Art Unit 2192